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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,192	07/31/2001	Tracy D. Powers	P5387	3966

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,192	Applicant(s) POWERS ET AL.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Responsive to Amendment received March 13, 2006. Claims 1, 7, and 17 have been amended. Claims 1-7, 9-11 and 17-20 remain pending further examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 7 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear why a recommended configuration is sent from the remotely located reconfiguration system to the client data storage system before a reconfiguration request is received from the client data storage system. The limitation states that this is based on the monitoring, however, it is now unclear who performs the monitoring. From the previously presented claims, it appeared that the storage management host monitors the client data storage system. Now its not clear if the monitoring is done remotely at the remotely located reconfiguration or at the storage management host. Furthermore, it is now unclear why a recommended configuration is sent and what the purpose or impact the recommended configuration has on the claimed invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-5, 7, 9-10, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber et al (U. S. Patent No. 6,480,901)

5. As per claim 1, Weber et al teach a remote reconfiguration computer system, comprising:

a storage management host installed in a client data storage system, wherein the client data storage system includes a data storage subsystem having a first configuration and comprising at least one master storage unit for storing data and providing access to the stored data and one host linked to the master storage unit, and further wherein the storage management host is communicatively linked to and adapted to provide remote access to the master storage unit and the host (**Figures 2-5, column 4, line 52-column 5, line 45**); and

a reconfiguration center communicatively linked to the storage management host the reconfiguration center being located remote to the client data storage system and configured for receiving a reconfiguration request for the client data storage system from the client data storage system (**Figure 4, column 4, line 62-column 5, line 2, column 6, lines 1-15**), and for, in response to the received reconfiguration request, transferring a logical implementation of a second configuration to the client data storage system via the storage management host, wherein the client data storage system is operable to process the logical implementation to configure the data storage subsystem in the second configuration, wherein the logical implementation is selected or created based on the reconfiguration request and the first configuration (**column 23, lines 10-column 24, line 25**).

6. As per claim 2, Weber et al teach wherein the storage management host is a terminal server configured to provide Ethernet connection to a local area network (LAN) connected to the host and the master storage unit (**column 4, lines 17-31, column 4, line 63, column 1, lines 63-67**).

7. As per claim 3, Weber et al teach wherein the storage management host is further configured to provide serial connection with the master storage unit (**column 5, lines 27-31, column 2, lines 37-44**).

8. As per claim 4, Weber et al teach a second data storage subsystem having at least one master storage unit and at least one host linked to the master storage unit and wherein the master storage unit of the second data storage subsystem is a different type of data storage device than the master storage unit of the other data storage subsystem (**column 4, lines 54-55, column 5, lines 5-16**).

9. As per claims 5,10 and, 18, Weber et al teach wherein the transferred logical implementation includes executables that affect a change in the first configuration selected from the group consisting of a logical unit number (LUN) size change, cache blocking, establishing hot standby, changing RAID, logically moving the master storage unit or a portion thereof, mainframe device type changing, adding channels, and increasing performance (**column 5, lines 5-16**).

10. As per claims 7 and 17, these claims contain similar limitations as claim 1 above, therefore are rejected under the same rationale.

11. As per claim 9, Weber et al teach including identifying a predetermined level of reconfiguration services from a plurality of service level options and creating the logical implementation based on the identified level of reconfiguration services (**column 7, lines 49-52**).

12. As per claim 19, Weber et al teach remotely verifying and testing the second configuration.

13. As per claim 20, Weber et al teach prior to the receiving the reconfiguration request, monitoring the client data storage system and based on the monitoring, issuing a recommended reconfiguration for the client data storage system (**abstract, column 21, line 50-column 22, line 40**).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al in view of "Official Notice".

16. As per claim 11, Weber et al teach remotely verifying the second configuration (**column 25, lines 8-59**). Weber et al fails to teach testing the second configuration. However, "Official Notice" is taken that it is well known in the art to test a configuration. It would have been obvious to one of the ordinary skill in the art to test the configuration of Weber et al because doing so would to verify and insure that the new configuration works properly.

17. As per claim 6, Weber et al teach wherein the reconfiguration center includes a modem (**column 4, lines 17-31, column 4, line 63, column 1, lines 63-67**) but fails to teach the use of a dialback modem wherein the dialback modem is adapted to respond to a connection initiated from the modem by requesting entry of a password, to verify an entered password, to upon verification of the password disconnect the connection and initiate a connection to the modem. "Official Notice" is taken that both the concept and advantages of using a dialback modem is well known and expected in the art. The secure dialback modem is configured to limit connection attempts, e.g., permit only two attempts, before automatic disconnect. The connection is then broken. The modem at the monitored system then dials back the service center. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a dialback modem in a reconfiguration system to authenticate a user in order to prevent unauthorized of a password, to verify an entered password, to upon verification of the password disconnect the connection and initiate a connection to the modem.

Response to Arguments

18. Applicant's arguments with respect to the references previously applied have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

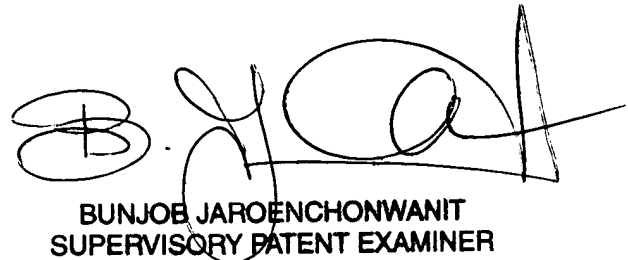
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
June 6, 2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER